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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,637	12/02/2003	Herve Michaud	2003-1732A	2003
513	7590 07/19/200	6	EXAMINER	
	OTH, LIND & PON	YEE, DEBORAH		
2033 K STREET N. W. SUITE 800		ART UNIT	PAPER NUMBER	
WASHING	TON, DC 20006-102	1742		
		DATE MAILED: 07/19/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/724,637	MICHAUD ET AL.	
Examiner	Art Unit	
Deborah Yee	1742	

	Deborah Yee	1742	
The MAILING DATE of this communication appe	ars on the cover sheet with the d	orrespondence add	ress
THE REPLY FILED 03 July 2006 FAILS TO PLACE THIS APPL			
1.  The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	the same day as filing a Notice of ving replies: (1) an amendment, aft tice of Appeal (with appeal fee) in the same of the same o	Appeal. To avoid aba idavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)
<ul> <li>a) The period for reply expires 8 months from the mailing date</li> <li>b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire is Examiner Note: If box 1 is checked, check either box (a) or (a)</li> </ul>	dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailing	g date of the final rejecti	on.
TWO MONTHS OF THE FINAL REJECTION. See MPEP 70 Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of extender 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	06.07(f). on which the petition under 37 CFR 1.1 tension and the corresponding amount shortened statutory period for reply orig than three months after the mailing da	36(a) and the appropria of the fee. The appropri inally set in the final Offi	te extension fee iate extension fee ce action; or (2) a
<ol> <li>The Notice of Appeal was filed on <u>03 July 2006</u>. A brief in date of filing the Notice of Appeal (37 CFR 41.37(a)), or a appeal. Since a Notice of Appeal has been filed, any reply AMENDMENTS</li> </ol>	ny extension thereof (37 CFR 41.3	7(e)), to avoid dismiss	sal of the
3. The proposed amendment(s) filed after a final rejection, (a) They raise new issues that would require further co	nsideration and/or search (see NO		ecause
<ul> <li>(b) ☐ They raise the issue of new matter (see NOTE belo</li> <li>(c) ☐ They are not deemed to place the application in bet</li> <li>_ appeal; and/or</li> </ul>	ter form for appeal by materially re		the issues for
(d) They present additional claims without canceling a		ected claims.	
NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.1	• • •		
4. The amendments are not in compliance with 37 CFR 1.1.  5. Applicant's reply has overcome the following rejection(s)	:	•	
<ol> <li>Newly proposed or amended claim(s) would be al non-allowable claim(s).</li> </ol>	lowable if submitted in a separate,	umely liled amendme	ent canceling the
7.  For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is provided that the status of the claim(s) is (or will be) as follows: Claim(s) allowed:		ll be entered and an e	explanation of
Claim(s) objected to: Claim(s) rejected:			
Claim(s) withdrawn from consideration:			
AFFIDAVIT OR OTHER EVIDENCE			
<ol> <li>The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).</li> </ol>			
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary	vercome <u>all</u> rejections under apper and was not earlier presented. S	al and/or appellant fai ee 37 CFR 41.33(d)(	ils to provide a 1).
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after e	ntry is below or attacr	iea.
11.   The request for reconsideration has been considered bu See Continuation Sheet.			nce because:
12.  Note the attached Information Disclosure Statement(s).			•
13.	$\mathcal{D}_{\boldsymbol{c}}$	Deborah Yee	4
		Deborah Yee Primary Examiner	

Art Unit: 1742

## **Continuation Sheet (PTO-303)**

Continuation of 3. NOTE: The newly recited term "deep rolling" clearly raises a new matter issue since there is no descriptive support that exists in the original specification. Applicant refers to page 1, lines 18-29 for support but the disclosure refers to burnishing with two wheels and applying a normal force onto the surface of the crankshaft. The term "deep rolling" would suggest applying a high force rather than a normal force which is not supported in the specification.

Continuation of 11. does NOT place the application in condition for allowance because: It was argued that burnishing as discussed by Heffron does not refer to a mechanical reinforcing operation, but rather a machining operation which aims at making bearing surface as smooth as possible. In contrast, applicants' use of the term "burnishing" refers to a mechanical reinforcing performed with rolls which cause high compressive mechanical residual stresses and surface hardening. It is the examiner's position that applicants' claim 1, last 2 lines recites "performing a mechanical reinforcing operation on the part at locations that are to be subjected to particulary high levels of stress". There is no limitation requiring mechanical reinforcing operation to impart high compressive mechanical residual stresses and surface hardening onto steel part; and therefore would not be a patentable consideration.